

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

CIVIL ACTION NO. 1:11-cv-02365-KBF
CIVIL ACTION NO. 1:11-cv-02648-KBF

SAP AG and SAP AMERICA, INC.,

Plaintiffs,

v.

DATATERN, INC.,

Defendant.

**DEFENDANT DATATERN, INC.'S
NOTICE OF REQUEST FOR
CLARIFICATION REGARDING THE
COURT'S JUNE 27, 2012, ORDER**

PLEASE TAKE NOTICE that upon the supporting Memorandum of Law filed herewith, defendant DataTern, Inc. ("DataTern") by and through its attorneys, McCarter & English, LLP, will request this Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on such date and time specified by the Court, to clarify whether the Court's June 27, 2012, Order (Docket # 102) granting SAP AG and SAP America, Inc.'s (collectively, "SAP") motion for partial summary judgment applies, with regard to U.S. Patent No. 5,937,402, to SAP's conduct unrelated to its sale of BusinessObjects products, such as its resale of infringing Microsoft Corporation products. DataTern further asks for such other and further relief as the Court deems just and proper.

PLEASE TAKE NOTICE that opposition papers, if any, must be served in accordance with Local Rule 6.1(b).

Dated: July 24, 2012

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*Attorneys for Defendant
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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the above Notice of Request for Clarification Regarding the Court's June 27, 2012, Order was served on this 24th day of July, 2012 upon counsel of record for Microsoft Corp., SAP AG and SAP America, Inc. via *ECF*.

/s/ Lee Carl Bromberg

Lee Carl Bromberg